

EXHIBIT A



Jeffrey C. Joyce
Direct Dial 207-274-5266
jjoyce@eatonpeabody.com

100 Middle St., P.O. Box 15235
Portland, Maine 04112-5235
Phone 207-274-5266 Fax 207-274-5286
www.eatonpeabody.com

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(via certified mail w/ return receipt)

Gary W. Donohue
DINSMORE & SHOHL LLP
900 Wilshire Drive, Ste. 300
Troy, MI 48084

RE: Mastronardi Produce Limited Trademark Application to Register QUEEN OF GREENS

Dear Mr. Donohue,

This firm represents Ippolito Fruit and Produce Limited, a Canadian corporation (“Ippolito”). We write to you as trademark counsel for Mastronardi Produce Limited (“Mastronardi”) regarding U.S. Trademark Application Serial No. 90205962 filed September 24, 2020 (the “Mastronardi Application”) in which Mastronardi seek to register QUEEN OF GREENS for use on “Fresh vegetables” and Mastronardi’s infringing use QUEEN OF GREENS in the United States.

Mastronardi are surely well aware of Ippolito as a producer and purveyor of fresh vegetable products widely distributed throughout the United States. Mastronardi must also be well aware of Ippolito’s several QUEEN VICTORIA trademarks which have been used in the United States since at least as early as 1985 and that have been in existence since at least 1947. In particular, Ippolito is the owner of two U.S. registrations of QUEEN VICTORIA trademarks, Registration No. 1500712 registered August 16, 1988 and Registration No. 3586690 registered March 10, 2009 for use on fresh vegetables. In addition, Ippolito is the owner three current U.S. applications to register QUEEN VICTORIA trademarks for use on fresh vegetables, Application Nos. 88874944, 88874957, and 88874968 all filed April 16, 2020, prior to the Mastronardi Application. Through 45 years of continuous use Ippolito’s QUEEN VICTORIA marks have become widely known in the fresh produce market and serve to identify the high quality of the products bearing the marks.

It has further come to Ippolito’s attention that Mastronardi have published a website <https://trustthequeen.com/> to market produce under the QUEEN OF GREENS name and have caused press releases and notices to appear on trade journal websites and in trade journals. Ippolito believes that Mastronardi’s use of QUEEN OF GREENS on produce marketed in the United States seeks to capitalize on the brand recognition and consumer goodwill Ippolito has invested in and worked hard to grow in the U.S. fresh produce market. It is well settled that marks featuring and especially beginning with the same “dominant term” are confusingly similar under the Lanham Act. Furthermore, QUEEN OF GREENS is the sort of mark that Ippolito

would consider adopting, and would have the exclusive right to adopt in their ordinary course of business, the sort of mark that is likely to be associated with Ippolito's QUEEN VICTORIA marks and likely cause U.S. consumers to believe the source of fresh produce labeled QUEEN OF GREENS to be Ippolito.

Given Ippolito's federal trademark registrations and its longstanding presence in the fresh produce industry in the United States, it is clear Mastronardi are using QUEEN OF GREENS with full knowledge of the protected status of Ippolito's trademarks as intellectual property owned by Ippolito. On that evidence, Ippolito believe Mastronardi's infringement to be willful and a blatant act of trademark infringement and false advertisement in violation of the Lanham Act, 15 U.S.C. §§ 1114(1), 1125(a) and (c), as well as common law trademark infringement, unfair competition, and dilution under comparable state laws.

Therefore on consideration the ongoing infringement and Ippolito's rights and obligations under federal law, Ippolito must insist that Mastronardi immediately cease and desist from all further use of QUEEN OF GREENS on and in connection with produce marketed in and into the United States, immediately withdraw the Mastronardi Application to register QUEEN OF GREENS, and agree in writing that they shall not use, and shall not apply for U.S. registration of any mark for use on produce that would include the word "queen" or any variant or homophone thereof.

This letter is intended to enforce and protect the trademark rights of Ippolito and does not limit or waive any rights or remedies available to Ippolito under Title 15 U.S.C. or under any other applicable federal or state law. That being said, however, I should note that Ippolito does hope that an amicable resolution to this situation is found. To that end, we ask that you contact us within two weeks of the date of this letter to facilitate that resolution.

Sincerely,

/Jeffrey C. Joyce/

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